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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/587,445	07/25/2006	Dieter Ramsauer	STR-1013/500638.20035	5304
20/999 7590 03/17/2010 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
EXAMINER				
MORGAN, EMILY M				
ART UNIT		PAPER NUMBER		
3677				
MAIL DATE		DELIVERY MODE		
03/17/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/587,445

Applicant(s)

RAMSAUER, DIETER

Examiner

EMILY M. MORGAN

Art Unit

3677

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 30, 31, 34-36 and 42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 30, 31, 34-36 and 42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 August 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "two flat metal pieces or plastic pieces lying next to one another with a flat surface [one touching a flat surface of the other]", and the "unit that is stable in itself" must be shown or the feature(s) canceled from the claim(s). Examiner has not seen this in any drawings. The specification discloses this aspect in figures 11 and 19, neither of which were elected by applicant. Examiner further has to determine what this means, because the figures do not show the flat metal pieces, which examiner assumes are 536 in figure 11b [0096], are not touching each other in figure 11b. In fact, they are on opposite ends of the attaching device. Examiner is forced to conclude that this is what the amendment intends, because the holding elements, which are formed of the flat pieces, are on opposite ends of the device in the elected embodiment also. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 30, 31, 34-36, 42, 53, 54 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant claims that the flat pieces are touching, which applicant has disclosed occurs in the non elected embodiments, and is not shown in the pictures in any embodiment.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 30, 31, 34-36, 42, 53, 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over patent 6286185 Ramsauer in view of patent 1950205 to Young, and further in view of patent 5435159 to Ramsauer.

Regarding claim 30, '185 to Ramsauer discloses:

A hinge (figure 1) comprising: at least one hinge part 12 which can be mounted in an opening in a thin wall such as a sheet-metal cabinet door (abstract); a head part, such as a flange or hinge leaf (hinge part 12 is a hinge leaf, column 4, line 66), which overlaps a rim of the opening of the thin wall on an outer side (figures 24, 11, 22); a body part 240 (figures 11, 14) which proceeds from the head part (or leaf, figure 11) and can be pushed through the opening in the thin wall 160 (figure 11); and a holding part (nut 280) which is carried by the body part 240 (figure 11), supported on another rear side of the thin wall by article 280 (figure 11), and is separate from the body part 240, shown alone in figure 14. Ramsauer discloses using a nut and screw combination to attach the hinge to a surface. Ramsauer does not disclose the use of holding elements with inclined surfaces, or the rectangular opening.

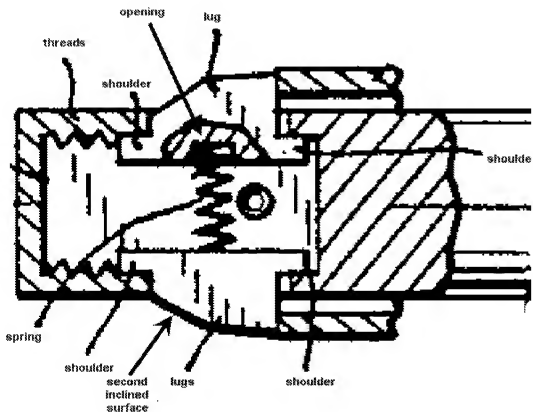
Young discloses an alternative and similar connecting device. Young discloses:

- a head part 36, such as a flange, which overlaps a rim of the opening of the thin wall on an outer side (figure 2);
- a body part 35 which proceeds from the head part 36 and can be pushed through the opening in the thin wall (figure 2); and
- a holding part (lugs 40) which is carried by the body part 35, supported on another rear side of the thin wall (figure 2), and is separate from the body part 35;

said holding part 40 being formed by holding elements (lugs) which project in a resilient manner (via spring 41) from the body part 35 in the direction of its outer surface (figure 5) and whose free end has a second inclined surface 42 which enables the holding part and the body part to be pushed through the opening, the inclined surface being inclined with respect to a plane of the thin wall (figure 1);

wherein the holding elements (lugs) are formed by two flat metal pieces lying next to one another, each metal piece having a rectangular opening or breakthrough (for the lug to expand through the surface of the attachment device), these two openings or breakthroughs together forming a rectangular space which receives a spiral pressure spring 41 by at least a portion of its diameter.

Please see the designations of figure 5, as shown below. Young discloses a singular inclined surface on each holding part, which allows for easy insertion. Young does not disclose a second inclined surface.



It would have been obvious to one of ordinary skill in the art at the time of the invention to use a pin such as Young in the Ramsauer device. Young discloses a known method of attaching two items, which can be considered an alternative of the standard screw and nut as taught by Ramsauer. The Young pin would be inserted into the Ramsauer hinge much like the screw of figure 11, expand after leaving the side

walls 16 and prevent the lengthwise movement of the pin, and therefore prevent the separation of the two articles.

Regarding the amendment that claims "plastic pieces lying next to one another with a flat surface of one flat piece of the two flat pieces touching a flat surface of the other flat piece of the two flat pieces", examiner is forced to assume their relationship is similar to that of figure 11b, which is described in [0096]. This basis is used because the embodiment of figures 11 and 19, which are not elected, are disclosed to have this feature, but the location of the flat pieces is similar in all embodiments. [0096] says "holding elements 536 are formed by two metal pieces...which lie next to one another", which is similar to the claim language. However, these holding elements in figure 11b are at opposite ends of the attachment device, and examiner sees no evidence that they actually do touch. Since Young discloses holding elements 40 are opposite each other, just like figure 3a and 11b, they are in the same arrangement as that disclosed by the specification and the figures. The internal flat surface of each holding element 40 do touch each other, through the spring 41.

The '159 to Ramsauer discloses an attachment device using two inclined surfaces on protruding article 901, resulting in an angle 90 (figure 6). This is done for "supporting the body part without play on the frame of the opening", according to applicant in [0009], who is also the inventor of the '159 reference.

The '185 Ramsauer device using the Young connecting article discloses the claimed invention except for the first inclined surface. It would have been obvious to one having ordinary skill in the art at the time the invention as made to incline both the

surfaces of the lug 40, a change in the shape of a prior art device is a design consideration within the skill of the art. In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966). Since the '159 Ramsauer reference uses the two inclined surfaces for the purposes of ensuring a secure connection ("without play"), it would have been obvious to apply this to a connecting article. This is also the same purpose that the instant application [0086] uses the inclined surfaces. This is a known reason and purpose for this the change of shape for a similar article.

Regarding claim 31, Ramsauer as modified discloses the hinge according to claim 30, wherein two holding elements (lugs 40, Young figure 5) which are arranged diametrical to one another are provided and are acted upon by wedge arrangements such as a screw or bolt, as shown in Ramsauer.

Regarding claims 34 and 35, Ramsauer as modified discloses the hinge according to claim 30, but does not disclose the holding elements are slides.

Young discloses a pin having a head, latching lugs 40 that expand according to the spring 41 in either direction. These are located in a channel (pin) and expand parallel to the plane of the thin wall.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use a pin such as Young in the Ramsauer hinge. This would provide an additional method to ensure that the Young pin does not get pulled out of the hinge device. The Young pin would be inserted into the Ramsauer hinge much like the screw

of figure 11. Placing the inclined surface 2 would take place of the cap, keeping the latching lugs 40 of Young in the pin. Young discloses a spring 41. Applicant discloses that a spring and a pin arrangement result in a similar construction and disclose each as an alternative to each other in [0017], making those obvious variants of each other.

Regarding claim 36, Ramsauer as modified discloses the hinge according to claim 34, wherein the channel of Young has an opening edge at which the slides are supported by a shoulder (figure 5 of Young).

Regarding claim 42, Ramsauer as modified discloses the hinge according to claim 30, wherein the holding elements of Young are formed by a metal piece or by two metal pieces lying next to one another which is/are held jointly by a spring in such a way that these two or three parts form a manageable unit that is stable in itself. These pieces are formed together as a part of pin 35 of Young, and can be used as an attachment pin in another function.

Regarding claims 53 and 54, Ramsauer as modified discloses the hinge according to claim 30, wherein a second hinge part (opposite leaf, figures 2, 11 and 25) which is swivelably connected to the first hinge part 12 (via hinge pin 44) has a construction analogous to that of the first hinge part (shown symmetrical in the figures listed above), and attaches to frame 58 on one side, and the other side to door leaf 60.

Response to Arguments

Applicant's arguments filed 1/14/2010 have been fully considered but they are not persuasive.

Regarding the amendment, Young teaches the lugs, or holding elements, in the same orientation as shown by the figures in the specification. Applicant has not disclosed this aspect occurs in the elected embodiment in the specification. Since the holding elements of the elected embodiment and that of figure 11b are in similar location, and the embodiment of figure 11b has the "next to each other" and touching explanation of the claim, examiner assumes this figure and this disclosure as the discussion of that of the instant embodiment. Examiner does not consider this a change of embodiment since the holding parts are in the same location. However, examiner notes that the holding elements in both figures are separated and not touching in the figures. Since the holding elements of both embodiments and that of Young are in a similar orientation, examiner considers that Young discloses the holding elements as claimed.

Regarding the "manageable unit that is stable in itself", applicant has also not shown this separate unit, and it is also shown in the figure 19, rather than the elected embodiment. Examiner contends that since the spring holds open the holding elements, in figures 11 and 19, as well as Young, that Young has shown this aspect of the claim.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **EMILY M. MORGAN** whose telephone number is (571)270-3650. The examiner can normally be reached on Monday-Thursday, alternate Fri, 7:30am to 5pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor Batson can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Victor Batson/
Supervisory Patent Examiner, Art Unit 3677

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